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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,683	04/02/2004	John Overman	63288-660	9777

7590 11/13/2006  
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Washington, DC 20005-3096

EXAMINER

TRAN, KHOI H

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/815,683

Applicant(s)

OVERMAN ET AL.

Examiner

Khoi H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE 10/04/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-62 is/are pending in the application..
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-55 is/are allowed.
- 6) ☒ Claim(s) 43-47, 57, 58, 61 and 62 is/are rejected.
- 7) ☒ Claim(s) 56, 59, and 60 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

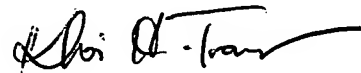
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



KHOI H. TRAN  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The request filed on 10/04/2006 for a Request For Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/815,683 is acceptable and a RCE has been established. An action on the RCE follows.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "a home location" is indefinite. It is not distinct which home location Applicant is claiming, i.e. lifter home location or gripping home location.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 43, and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Moltrasio et al. 4,516,762.

Moltrasio et al. '762 disclose a feeder assembly per claimed invention. The assembly comprises vacuumed lifting mechanism 11 adapted to selectively lift an item completely from a stack of items (Figure 3). The lifting mechanism reciprocates in a first direction between an engagement position wherein the lifting mechanism engages the

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item, and a lifted position wherein the lifting mechanism completely separates the item from the stack of items. The assembly comprises gripping mechanism 7 adapted to selectively grip and remove the item from the lifting mechanism and move the item to a desired location. The gripping mechanism reciprocates in a second direction generally perpendicular to the first direction, between an item grasping location central to the lifting mechanism wherein the jaw closes around the item and removes the item from the lifting mechanism (Figure 4), and an item release location wherein the jaw is open and releases the item to the desired location (Figure 6). The gripping mechanism comprises a home location (Figure 1). Moltrasio et al. '762 anticipates all structural elements per claimed invention. It is inherent that Moltrasio et al. '762 assembly is usable in a mailpiece-feeding environment.

In regards to claim 46, Moltrasio et al. '762 comprises at least two separator elements 8 and 13 to assist in separating the item from the stack of as the item is lifted from the stack, wherein the two separator elements impart a convex distortion to the lifted item (Figure 3).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 44, 57, 58, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moltrasio et al. 4,516,762 in view of Emigh et al. 5,823,521, or in view of Willits et al. 4,958,824.

Moltrasio et al. '762 disclose all elements per claimed invention as explained in paragraph 3 above. However, it is silent as to the specifics of the sensors associated with the lifting and gripping mechanism.

Emigh et al. '521 teach that sensors are used to automatically verify and control the operations of the lifting and gripping mechanism. Emigh et al. '521 comprise sensors for sensing operating conditions of the gripping jaws. Emigh et al. '521 comprises plurality of sensors for controlling the lifting and gripping mechanism. Emigh et al. '521 comprises a separator element 43 to assist in separating the item from the stack of as the item is lifted from the stack. Emigh et al. '521 comprises gripping sensor for detecting mailpiece within the jaw assembly.

Willits et al. '824 teach that sensors are used to automatically verify and control the operations of the lifting and gripping mechanism. Willits et al. '824 comprise sensor(s) for sensing when the lifting mechanism is in the engaged/extended position (column 3, lines 46-51). Willits et al. '824 comprise sensors for sensing when the lifting mechanism is in the retracted/lifted position (paragraph bridging columns 7 and 8). Willits et al. '824 comprises sensors for sensing "home" position of actuating device.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Moltrasio et al. '762 lifting and gripping

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mechanism with sensors because they facilitate automatic controls for the lifting and gripping mechanism, as taught by Emigh et al. '521 and Willits et al. '824.

***Allowable Subject Matter***

6. Claims 48-55 are allowable over the prior art of record.
7. Claims 56, 59, and 60 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 08/08/2006 have been fully considered but they are not persuasive. Applicant argued that Moltrasio et al. 4,516,762 reference is different in structure and function from Applicant's mailpiece feeder assembly. This argument is not persuasive. According to the rejections above, Moltrasio et al. '762 structurally and functionally anticipates all elements of the claimed feeder assembly. It is inherent that Moltrasio '762 feeder assembly is applicable in a mailpiece-feeding environment. Applicant insisted that Moltrasio et al. '762 would be unsuitable for feeding mailpieces and would damage the mailpieces. This argument is not persuasive because Applicant's argument is purely speculative. It is the Office's position that since the claimed assembly is structurally and functionally anticipated by Moltrasio et al. '762, Moltrasio '762 feeder assembly is capable of feeding mailpieces.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H. Tran whose telephone number is (571) 272-6919. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KHT  
11/03/2006

Khoi H Tran  
Primary Examiner  
Art Unit 3651

